

REMARKS

Claims 1, 2, 5- 7, and 10 are pending in this Application. Independent claims 1 and 6 have been amended. Care has been taken to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure, and such support is admitted to exist by the Examiner at page 3 of the Office Action. Applicant submits that the present Amendment does not generate any new matter issue.

In the Office Action, claims 1, 2, 5 through 7, and 10 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement due to the presence of the negative limitation “not in physical contact with said first facet” in claims 1 and 6. It is contended in the Office Action that this negative limitation is not described in the application. Claims 1, 2, 5 through 7, and 10 were also rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, because it is contended one skilled in the art would be unable to make and/or use the invention with the claimed second layer “not in physical contact with said first facet” as recited in claims 1 and 6.

Independent claims 1 and 6 have been amended for clarity, as suggested by the Examiner, to eliminate the negative claim limitations and instead recite that the second layer is in at least indirect physical contact with the first facet. These amendments are admitted by the Examiner to be disclosed in the application. Applicant believes the amendments to claims 1 and 6 are fully responsive to the Examiner’s concerns, and amended claims 1 and 6 meet the written description and enablement requirements of §112, first paragraph. Therefore, Applicant respectfully submits that the rejections of claims 1 and 6 should be withdrawn.

Consequently, amended independent claims 1 and 6 are patentable, as are claims 2, 5, 7 and 10, which depend from claims 1 and 6, respectively.

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Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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